

Hon. Ronald B. Leighton  
Trial Date: January 11, 2010

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

HILARIO VARGAS, and MARIA VARGAS,  
each individually and the marital community  
composed thereof

Plaintiffs,

v.

ALLSTATE INSURANCE COMPANY, a foreign  
corporation

Defendant.

No. C07 5082 RBL

**ORDER DENYING PLAINTIFFS'  
MOTIONS IN LIMINE**

**[PROPOSED]**

**THIS MATTER** having come before this Court on Plaintiffs Motions in Limine, the Court considered all the papers filed in this matter and, more particularly, having considered:

1. Plaintiffs' Motions in Limine;
2. Defendant Allstate Insurance Company's Response to Plaintiffs Motions in Limine;
3. Declaration of Morgan E. Smith with attached Exhibits;
4. Plaintiffs' reply if any;
5. \_\_\_\_\_
6. \_\_\_\_\_

**ORDER DENYING PLAINTIFFS' MOTIONS IN LIMINE- 1**

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(206) 622-0494

7. All pleadings and materials already on file herein.

The Court having considered the foregoing, and having heard the arguments of counsel, now, hereby, Orders as follows:

1. This Court should Exclude any Expert Testimony Presented by the Defendant because Defendant provided no Expert Report and such Testimony is Irrelevant;

☐ GRANTED ☒ DENIED ☐ RESERVED

2. This Court should Exclude any Auction House receipts or Materials that were obtained by the Defendant because such Materials are Irrelevant to Proving Value;

☐ GRANTED ☒ DENIED ☐ RESERVED

3. This Court should exclude any materials obtained by Defendant via Subpoena Because Defendant failed to disclose any such materials to Plaintiff in Supplementation to Defendant's Discovery Responses;

☐ GRANTED ☒ DENIED ☐ RESERVED

4. This Court should Exclude any evidence presented by Allstate in Support of any Defense of Fraud as that Defense was not Properly Pled as an Affirmative Defense;

☐ GRANTED ☒ DENIED ☐ RESERVED

5. This Court should Exclude as Irrelevant and Moot All Letter from Defense Counsel Request Examination Under Oath.

☐ GRANTED ☒ DENIED ☐ RESERVED

DATED this 8th day of January, 2010.

  
HONORABLE Ronald B. Leighton

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ORDER DENYING PLAINTIFFS' MOTIONS IN LIMINE- 2

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1 Presented by:  
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3  
4 Rick J Wathen, WSBA #25539  
5 Morgan E. Smith, WSBA #37954  
6 Attorneys for Defendant Allstate

7 Approved for entry:

8 FREEMAN LAW FIRM, INC.

9  
10 Spencer Freeman, WSBA #25069  
11 Attorney for Plaintiffs